

OPINION
45-176

December 17, 1945 (OPINION)

LABOR UNIONS

RE: May Not Prescribe Conditions of Employment to Municipalities

Your letter of December 5 addressed to the attorney general has been received and same has had our consideration.

The question you present is whether the employees of the park district of the city of Minot may, under the law, require such district to employ only union men or require anyone employed by the district to join the union.

We have no record of any opinion given by Mr. Strutz on this matter, but he advised us that he did give an opinion to the effect that no union could require any state department to employ only union members or require non-member employees to join the union.

Section 23 of the state constitution provides as follows:

Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor."

In accordance with such constitutional provision, the people - through the legislature - have made a declaration of public policy, as found in section 34-0802. Under the provisions of this statute, a worker of this state shall be free to decline to associate with his fellows and he also shall have full freedom of association, self organization, and designation of representatives of his own choosing to negotiate the terms and conditions of his employment.

In view of the provisions of section 23 of the Constitution and the declaration of public policy as expressed in section 34 0802, it is the opinion of this office that the members of the union may not require a state department to employ union men only, nor may union members compel non-members to join the union in order to enable them to accept employment from state departments.

NELS G. JOHNSON

Attorney General